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IN THE

Supreme Court of the United States

October Term, 1952
No. 517.

OLIVE B. BARROWS, RICHARD PIKAAR and M. M. O'GARA,
Petitioners,

vs.

LEOLA JACKSON,
Respondent.

Stipulated Consent to File Brief as Amici Curiae and Brief for 48 Property Owner Organizations as Amici Curiae.

JOHN M. ABBOTT,
CARL T. FETTERLY,
GILMAN & SHEARER,
HOWARD W. HUNTER,
PHIL H. JACKSON,
LATHAM & WATKINS,
HELEN LEE MacKELLAR,
OVERTON, LYMAN, PRINCE & VERMILLE,
By CARL J. SCHUCK,
SCHIFFERMAN & SCHIFFERMAN,
ELBERT J. SHEFFIELD,
ARTHUR J. SPEIGHT,
TRIPPET, NEWCOMER, YOAKUM & THOMAS,
DAVID G. WATTS,
JOHN S. WELSH,
Los Angeles, California,

ANTONIO J. GAUDIO,
South San Francisco, California,

DIETRICH, TYLER & DAVIS,
By EDWIN EARNSHAW,
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It is hereby stipulated and agreed pursuant to Rule 27(9)(a) and (b) of the Revised Rules of the Supreme Court of the United States that the following named organizations may file their brief as *amici curiae* urging that the petition for a writ of certiorari filed in this Court by the above named petitioners be granted:

Affiliated Neighbors.

Angeles Mesa Neighbors Association.

Annandale District Improvement Association.

Associated Neighbors.

Chesterfield Square Association.

Citizens United, Inc.

Cudahy Improvement Association.
Florence District Taxpayers Civic Association.
Hancock Park Neighbors, Inc.
Harvard Neighbors Association.
LaFayette Square Improvement Association.
Loyal Neighbors Association.
Nadeau District Property Owners Association.
Neighborhood Protective Association, Inc.
Neighborly Endeavor, Inc.
The Parks Community Association.
Steadfast Neighbors Committee.
United Homeowners, Inc.
United Neighbors, Inc.
Vermont Square Neighbors, Inc.

Los Angeles County, State of California.

Southwood Improvement Association, Inc.

South San Francisco, California.

Santa Fe Place Improvement Association.

Kansas City, Missouri.

Arkansas Avenue Community Association.
Brentwood Terrace Citizens Association.
Brightwood Citizens Association, Inc.
Brookland Citizens Association.
Burroughs Citizens Association.
Capital Hill South-east Citizens Association.

Cathedral Heights-Cleveland Park Citizens Association.
Citizens Association of Takoma Park, Inc.
Citizens Forum of Columbia Heights.
Citizens Protective Alliance, Inc.
Columbia Heights Citizens Association.
Congress Heights Citizens Association.
Michigan Park Citizens Association.
Minnesota Avenue-River Terrace Citizens Association.
National Gateway Citizens Association.
North Capitol Citizens Association.
North Cleveland Park Citizens Association.
North Washington Council of Citizens Associations.
Palisades Citizens Association.
Petworth Citizens Association, Inc.
Rhode Island Avenue Citizens Association.
Summit Park Citizens Association.
Thomas Circle Citizens Association.
Washington Highlands Citizens Association.

Washington, D. C.

Highland Park Civic Association.
United Streets Association.

Highland Park, Michigan.

Dated February 2, 1953.

JOHN C. MILES,

J. WALLACE MCKNIGHT and
CHARLES LELAND BAGLEY,

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Highland Park Civic Association.
United Streets Association.

Highland Park, Michigan.

Statement of Interest of Amici Curiae.

These *amici curiae* are organizations of home owners and small property owners in the State of California, principally in Los Angeles County. Their members own several thousand homes which are protected by private contracts from monetary loss as real as loss by fire which inevitably results from the use and occupancy of a neighboring house by non-caucasians. Their members have property rights in these private contracts the same as they have in their contracts of fire insurance which are endangered by the decision of the District Court of Appeal of the State of California, Second Appellate District, in the above case, *Barrows v. Jackson* (1952), 112 A. C. A. 613, 247 P. 2d 99.

Reasons Urged for the Granting of the Petition for a Writ of Certiorari in the Above Case.

It is of extreme and immediate importance to all parties to racial restrictive covenants in all states of the United States to have a ruling from the Supreme Court of the United States settling the questions presented in petitioners' petition for certiorari. Due to the present unsettled state of the law, the parties to these private contracts can not determine and their attorneys can not determine whether or not they may safely breach their valid contracts. Even in California where the District Court of Appeal, Second Appellate District, has held that the valid contracts can not be enforced, experienced attorneys at law can not advise the parties to restrictive

covenants with confidence because there has been no ruling by the Supreme Court of the State of California and because of the doubtful authority and unsatisfactory reasoning of the opinion of the District Court of Appeal, Second Appellate District, which holds that the complaint therein states a cause of action "apart from the constitutional issue" and further holds that the contract "is constitutionally a valid agreement," and then denies appellants any relief. The opinion of the District Court of Appeal of the State of California, Second Appellate District, is particularly questionable in view of *Correll v. Earley* (1951, ... Okla. ....., 237 P. 2d 1017, which reached the same conclusion as to validity of the contract as did the California court.

It is intolerable that such uncertainty should exist in the law concerning the use of real property. Responsible property owners are at a great disadvantage as compared to irresponsible property owners since the latter may profit excessively from the use of their property in violation of their valid contracts due to the fact that recovery against them would be small because they do not have much property in their names subject to execution.

These *amici curiae* respectfully entreat the Supreme Court of the United States to grant the petition for a writ of certiorari to the District Court of Appeal of the State of California, Second Appellate District, and settle the constitutional questions presented therein.

Dated February 2, 1953.

Respectfully submitted,

JOHN M. ABBOTT,
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GILMAN & SHEARER,
HOWARD W. HUNTER,
PHIL H. JACKSON,
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